IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 6359 of 2004

Between:

Mittapally Iylaiah, s/o.Narsaiah, R/o.Waddepally Village,

Hanmakonda Mandal, Warangal District.

..... PETITIONER

AND

1 The District Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Warangal, Warangal District.
3 The Mandal Revenue Officer, Hanmakonda, Warangal District.
4 Gouda Sattaiah, S/o.Yellaiah,
R/o. Teachers' Colony, I Phase, Waddepally, Warangal District.
5 Nalla Anasuya, W/o.Kumara Swamy,
R/o.H.No.2-8-152, Waddepally, Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction, declaring proceedings of the 2nd respondent issued in Rc.No.A/3857/2002, dated 25-2-2003 as illegal, without jurisdiction and contrary to the provisions of the A.P.Rights in land and Pattadar Pass Boosk Act, 1971.

Counsel for the Petitioner : MR. P.PANKAJ REDDY

Counsel for the Respondent Nos.1 to 3 : GP FOR REVENUE

Counsel for Respondent Nos.4 and 5 : Mr. P.Prabhakar Reddy

The Court made the following :

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ORDER :

Though interlocutory matter is listed, with the consent of the parties, the writ petition itself is heard finally and disposed of.

The petitioner herein claims to be the pattadar of land admeasuring Ac.2-20 gts. in Survey No.870/A (old Survey No.819) of Waddepally Village, Hanmakonda Mandal of Warangal District. He claims to have purchased the land from one Pingali Pradeep Kumar Reddy under a registered sale deed dated 1-4-1982. Be that as it is, the petitioner approached the Mandal Revenue Officer, Hanmakonda Mandal, for necessary pattadar Pass Book and title deed. After considering his application, by proceedings No.B2/880/98, issued in May, 2000, the Mandal Revenue Officer issued pattadar Pass Book in respect of the land in Survey No.870/A. Two years thereafter, it appears, respondents 4, 5 and others made a representation on 13-8-2002 requesting the Revenue Divisional Officer to re-enquire into the matter and arrange for re-survey of the land. Respondents 4 and 5 also requested to restore the ownership of the plots. The same was treated by the second respondent as an appeal under sub-section (5) of Section of 5 and 5(B) of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). By order dated 25-2-2003 impugned in this writ petition – the second respondent cancelled the proceedings of the Mandal Revenue Officer. This Court, while admitting the writ petition, ordered *status quo* on 19-4-2004.

Respondents 4 and 5 filed vacate stay application being W.V.M.P.No.1859 of 2004 claiming ownership rights under registered sale deeds. They also opposed the writ petition on the ground of maintainability. It is also brought to the notice of this Court

that aggrieved by the impugned order, the petitioner already filed a revision petition on 15-3-2003 before the Joint Collector, Warangal.

It is not denied that the petitioner already availed the statutory remedy under Section 9 of the Act by filing a revision before the Joint Collector. Therefore, this Court is not inclined to express any opinion on the merits of the case.

While ordering *status quo* obtaining as on today, the writ petition is disposed of directing the Joint Collector, Warangal to consider the revision petition filed by the petitioner after giving opportunity to the petitioner and respondents 4, 5 and others, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J.)

Dt.30-08-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Warangal, Warangal District.
3 The Mandal Revenue Officer, Hanmakonda, Warangal District.
4. 2CCs to Government Pleader for Revenue, High Court of A.P.,

Hyderabad. (OUT).

5. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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Dt.30-08-2004.

(Msr)